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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO.      | CONFIRMATION NO.       |
|---|-------------|-------------------------|--------------------------|------------------------|
| 10/015,958  | 10/30/2001  | David George De Vorchik | MFCP.88142               | 6989                   |
| 45809 7590 03/29/2007<br>SHOOK, HARDY & BACON L.L.P.<br>(c/o MICROSOFT CORPORATION)<br>INTELLECTUAL PROPERTY DEPARTMENT<br>2555 GRAND BOULEVARD<br>KANSAS CITY, MO 64108-2613 |             |                         | EXAMINER<br>KISS, ERIC B |                        |
|   |             |                         | ART UNIT<br>2192         | PAPER NUMBER           |
|   |             |                         | MAIL DATE<br>03/29/2007  | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |                               |                                   |  |
|---|-------------------------------|-----------------------------------|--|
| <b>Advisory Action</b><br><b>Before the Filing of an Appeal Brief</b> | Application No.<br>10/015,958 | Applicant(s)<br>DE VORCHIK ET AL. |  |
|   | Examiner<br>Eric B. Kiss      | Art Unit<br>2192                  |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, ~~the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and~~ an explanation of how the ~~new or amended~~ claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-20.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

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Continuation of 5. Applicant's reply has overcome the following rejection(s):

The rejection of claims 7, 8, 10, 11, 14, and 18, under 35 U.S.C. § 101, is withdrawn.  
The objection to claims 8, 10, 15, and 18, under 37 CFR 1.75(d) is withdrawn.

The rejection of claims 8, 10, and 18, under 35 U.S.C. § 101 and the objection to claims 8, 10, 15, and 18, under 37 CFR 1.75(d), are withdrawn in view of applicant's assertion that the phrase, "machine readable medium" is intended to mean the same thing as "computer storage medium," (Remarks (02/05/2007) at p. 10,) and is thus distinguishable from the nonstatutory communication media embodiments.

Regarding claims 7, 10, and 11, the generated user interface that integrates the web component into the host wizard by utilizing the extension interface to perform recursive navigation between the web component and the host wizard (claims 7, 10, and 11) and is necessarily a tangible result (*e.g.*, the user can interact with the user interface to perform the described functions). Likewise, the panels, "to guide a user through the first and second tasks," (claim 14) is necessarily a tangible result. The rejection of claims 7, 10, 11, and 14 under 35 U.S.C. § 101 is withdrawn.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments are not fully persuasive.

Despite applicant's assertion that, "The claimed computer [of claims 4-6 and 17] is a physical structure that imparts functionality . . . when creating an extended wizard," (Remarks (02/05/2007) at p. 11,) it is noted that no such physical structure is recited in these claims. In contrast, claims 9, 11, and 14, each explicitly reciting, "A computer system having a processor, a memory and an operating environment," expressly provide such a physical structure, and are statutory. Moreover, the cited above-cited language of claims 9, 11, and 14 provides evidence that the mere recitation of "computer system," in claim 4 is intended to encompass something broader, such as the functional descriptive material by itself, absent physical structure such as the processor, memory, and operating environment.


Regarding claims 12, 13, 15, and 20, applicant has not presently suggested (apart from a bare assertion) that these claims produce a useful, tangible, and concrete result necessary to achieve a practical application. As noted previously, (Final Rejection (12/05/2006) at pp. 10-11,) "generating" a component is not a tangible result if the component itself is not necessarily tangible (*e.g.*, generating a "host wizard", presumably a functional description of software, is different from generating a file in a storage medium or generating a display on a computer monitor). Further, "utilizing" appears to be an additional functional description rather than a computer-executed step that necessarily produces a useful, tangible, and concrete result. (*Id.*)

The rejection of claims 4-6, 12, 13, 15, 17, and 20 under 35 U.S.C. § 101 is maintained.

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Applicant's arguments regarding the rejections under 35 U.S.C. §§ 102 and 103 are repeated verbatim from applicant's previous response (Remarks (09/26/2006) at pp. 14-21,) and have already been addressed on the record. (Final Rejection (12/05/2006) at pp. 2-5.) The rejections under 35 U.S.C. §§ 102 and 103 are maintained.

For at least the reasons set forth above, applicant's response does not place the application in condition for allowance. Prosecution remains closed.



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SUPERVISORY PATENT EXAMINER